Amendments to House Bill No. 122
1st Reading Copy

Requested by Representative Mike Menahan

For the House Judiciary Committee

Prepared by David Niss
January 13, 2009 (8:06am)

1. Title, line 9.
Strike: the first "AND"
Following: "17-8-411,"
Insert: "AND 17-8-412,"

2. Page 3, line 17.
Strike: "government attorney"
Insert: "governmental entity"

3. Page 9.
Following: line 4
Insert: "Insert: "Section 9.   Section 17-8-412, MCA, is amended
to read:
    "**17-8-412.   Prohibitions on employers -- employee remedies.**
(1) A governmental entity or private entity may not adopt or
enforce a rule, regulation, or policy preventing an employee from
disclosing information to a government or law enforcement agency
with regard to or from acting in furtherance of an investigation
of a violation of 17-8-403 or an action brought pursuant to
17-8-405 or 17-8-406.
    (2)   A governmental entity or private entity may not
discharge, demote, suspend, threaten, harass, or deny promotion
to or in any other manner discriminate against an employee in the
terms and conditions of employment because of the employee's
disclosure of information to a government or law enforcement
agency pertaining to a violation of 17-8-403.
    (3)   (a) A governmental entity or private entity that
violates the provisions of subsection (2) is liable for:
    (i)   reinstatement to the same position with the same
seniority status, salary, benefits, and other conditions of
employment that the employee would have had but for the
discrimination;
    (ii) back pay plus interest on the back pay;
    (iii) compensation for any special damages sustained as a
result of the discrimination; and
    (iv) reasonable court or administrative proceeding costs and

reasonable attorney fees.

(b) An employee may file an action for the relief provided in this subsection (3)."
{*Internal References to 17-8-412: None.*}""

Renumber: subsequent sections

4. Page 9, line 13.
Strike: "[Section 9]"
Insert: "[Section 10]"

5. Page 9, line 14.
Strike: "[section 9]"
Insert: "[section 10]"

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